OLR Bill Analysis

sSB 458

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY METHODS FOR IMPROVING THE COLLECTION OF PAST DUE CHILD SUPPORT.

SUMMARY:

This bill makes numerous changes to the laws related to enforcing child support orders. It:

1. appropriates, for FY 15, (a) $7.4 million to the Department of Social Services (DSS) to purchase technology systems to improve the Bureau of Child Support Enforcement's (BCSE's) efforts to collect child support and (b) $1 million to the Judicial Branch to increase Support Enforcement Services (SES) staffing;

2. expands the authorized means of serving child support warrants or capias orders (i.e., orders to compel someone to appear in court) by (a) increasing the number of DSS special policemen who are authorized to serve them and (b) allowing judicial marshals, under specified circumstances, to serve process using a copy of the original order;

3. requires the State Marshal Commission to implement policies and procedures to increase state marshal participation in serving capias orders;

4. requires the comptroller to facilitate the electronic processing of federal and state court income withholding orders;

5. prohibits DSS' and SES' employees from contacting a putative father's employer regarding an IV-D child support case (see BACKGROUND), unless paternity has been adjudicated by a court or they have a court order; and

6. establishes a 10-member task force to study technology and

other initiatives to maximize child support collection.

EFFECTIVE DATE: July 1, 2014, except for (1) the state marshal and task force provisions, which are effective upon passage, and (2) the DSS and SES employees prohibition, which is effective October 1, 2014.

§§ 1- 3 — CHILD SUPPORT ENFORCEMENT
§ 1 — DSS Special Policemen

The bill increases, from six to eight, the number of DSS special policemen who are authorized to serve child support warrants or capias orders. By law, they are appointed by the emergency services and public protection commissioner and have all the powers conferred on state policemen and state marshals.

The bill authorizes DSS special policemen to use the COLLECT system free of charge. The COLLECT system contains law enforcement information, such as criminal history records and protective orders. Under current law, they do not have access to it.

§ 2 — Judicial Marshals

By law, a judicial marshal may serve a child support capias order, issued by a court or a family support magistrate, on anyone who is in the (1) marshal's custody or (2) courthouse where the marshal provides security. The bill allows a judicial marshal to serve such a process using a clear and accurate copy of the original order, which may be copied by any method, including photographic, micrographic, or electronic.

§ 3 — State Marshals

The bill requires the State Marshal Commission, in consultation with the State Marshals Advisory Board, to implement policies and procedures to increase state marshal participation in serving capias orders, such as requiring a minimal percentage of state marshals to engage in serving such orders at all times.

Under existing law, the commission and advisory board must establish state marshals' professional standards, including training

requirements and minimum fees for serving process. Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

§§ 4 & 5 — ELECTRONIC INCOME WITHHOLDING ORDER PROCESS (E-IWO)

Comptroller — State Employees' Compensation

By law, the comptroller may use an electronic system for paying state employees. Under the bill, such an electronic system must facilitate the electronic processing of federal and state court income withholding orders, including child support orders sent through the e-IWO process.

Labor Commissioner — Unemployment Compensation

Under existing law, the labor commissioner must withhold from a person's unemployment compensation the child support owed based on the amount (1) specified by the person in his or her initial unemployment claim, (2) determined by state or local child support enforcement agency, or (3) required by legal process properly served on the commissioner. The bill specifies that a child support withholding order sent to the commissioner through the e-IWO process is considered proper legal process.

§ 7 — TASK FORCE

The bill establishes a task force to study technology and other initiatives that the state could implement to maximize the collection of child support owed to state residents. The study must identify technological enhancements needed to ensure compliance with court child support orders.

Task Force Members and Appointments

Under the bill, the 10-member task force may include General Assembly members and includes:

1. two members appointed by the Senate president pro tempore;

2. one member each appointed by the Senate majority and minority leaders;

3. two members appointed by the House speaker;

4. one member each appointed by the House majority and minority leaders; and

5. the DSS commissioner and the chief court administrator, or their designees.

All appointments must be made within 90 days after the bill's passage and any vacancies must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force chairpersons from among the members. The chairpersons must schedule and hold the first meeting within 60 days after the bill's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

Reporting Requirement and Termination

The task force must report its findings and recommendations to the Judiciary Committee by January 1, 2016. It terminates when it submits the report or on January 1, 2016, whichever is later.

BACKGROUND

IV-D Child Support Cases

By law, "IV-D child support cases" are those cases where BCSE is providing child support enforcement services under Title IV-D of the Social Security Act related to cases where children are the beneficiaries of temporary family assistance (TFA), Medicaid, or foster care. BCSE was established and authorized to administer the child support program mandated by Title IV-D of the Social Security Act (CGS § 46b-231(13)).

e-IWO Process

The federal Office of Child Support Enforcement implemented the e-IWO process which enables states to send and employers to receive income withholding orders electronically. It also allows employers to notify states about the status of existing income withholding orders.

Related Laws

Title IV-D of the federal Social Security Act established the Child Support Enforcement (CSE) program (42 USCA § 301 et seq.). The CSE program, funded by both state and federal dollars, provides services related to the establishment, modification, and enforcement of child support orders.

Additionally, the 1998 federal Child Support Performance and Incentive Act (P.L. 105-200), provides incentive payments to states based on performance in several areas related to their efforts to enforce child support orders (42 USC § 658a). The five performance measures are:

1. establishment of paternity,

2. establishment of child support orders,

3. collection of current child support,

4. collection of past-due child support, and

5. *cost-effectiveness of the CSE program.*

Related Bill

HB 5526, reported favorably by the Judiciary Committee, requires BCSE to (1) establish, maintain, and periodically update a list of all delinquent child support obligors and (2) publish a list, on the DSS website, of the 100 individuals with the highest delinquent child support obligations.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea   40   Nay 0   (04/02/2014)